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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,605	07/23/2003	Herbert Schrefl	P23976	7592
7055	7590	12/08/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,605

Applicant(s)

SCHREFL ET AL.

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-24, 26, 28-38, 40 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9, 25, 27, 39, 41-44 and 52-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-20, 22, 28-38, 40 and 45-51 is/are rejected.
- 7) ☒ Claim(s) 21, 23, 24 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/090172.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/23/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species II including figures 4-5 in the reply filed on 10/4/04 is acknowledged. The traversal is on the ground(s) that the search would not be burdensome. This is not found persuasive because applicant has not admitted that the sealing element having a planar surface or a curved surface are considered to be art equivalent or are obvious variations of each other.

Applicants is correct about claims 1 and 6-14 to be generic.

Furthermore, claims 8-9 are restricted and withdrawn as reading on a non-elected species, since the elected species shows that the sealing section and the ventilation section are composed of same material not two different material as claimed in claims 8-9. Also claims 52-54 read on a non-elected species because the elected-species do not define a run off surface having a saw tooth or wavy shape surface or plurality of teeth.

In conclusion claims that are withdrawn are 8-9, 25, 27, 39, 41-44 and 52-54.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “the sealing section and the ventilation section are composed of different materials” (claim 8) and “the sealing section and

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the ventilation section are separately formed and secured together” (claim 9), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 15 and 39 are objected to because of the following informalities: Claim 15, “the ventilation surface” should be changed to --ventilation section--. Claim 39, “space” should be changed to --spacer--, “a side facing” should be changed to --said side facing--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10, 13-20, 22, 28-38, 40 and 45-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Boeck (DE019751283A1).

Regarding claim 1-7, 10, 13-20, 22, 28-38, 40 and 45-51: Boeck discloses a sealing device for sealing at least one zone of under pressure or over pressure adjoining a moving surface (the seal device is in a paper making machine). The sealing device comprising at least

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one sealing element (sealing element of figure 14) positionable opposite the moving surface (14) to form a front (front that is in contact with the moving surface) and rear (portion having ventilation section). The sealing element comprising a sealing section at the front (the front is in contact with the moving surface) and a ventilation section or surface (ventilation section located at the rear) located at the rear. The moving surface is arranged in a paper making machine.

The sealing section being structured to sealing interact with the moving surface (the sealing section interacts with the moving surface). The ventilation section being structured and arranged to form a gap (gap between the rear and the moving surface) with the moving surface that widens in the surface running direction (the gap widens in the surface running direction as indicated by arrow L).

The sealing element being pivotably mounted to pivot relative to the moving surface (the sealing element is pivotably mounted to relative to the moving surface) to position the at least one sealing element into an operating position.

The sealing element is in contact with the moving surface and the gap formed between the ventilation section and the moving surface, when the sealing element is in an operating position. The ventilation section is structured to continuously decrease in cross-section away from the sealing section (the ventilation section has a cross-section that decreases away from the sealing section). The gap has a continuously increasing depth in the surface running direction (the gap is maximum near 96, since the cross-section decreases away from the sealing section).

The sealing section and the ventilation section are composed of same material and formed as a single piece (the sealing element is a single piece element). The ventilation section is composed of a porous sound-absorbing plastic (this is the case since all materials have porous

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and the ventilation section is composed of plastic or elastomeric material). The sealing element comprises a sealing strip (strip that forms the sealing element) and the sealing strip extends transversely to the running direction.

The sealing element is pivotable about an axis extending transversely to the running direction (the sealing is pivotable about an axis that extends transversely to the running direction). The sealing element is pivotally mounted in a region (region having the ventilation section and being mounted at 24) of the ventilation section. The sealing element is pivotally mounted in a region of an end located at the rear (this is the case since the region is the entire sealing element except for the portion of the sealing element that contacts the running surface). The sealing device comprising a rocker (pin 24) bearing arranged pivotably mounting the sealing element.

The sealing device comprising a pressure device (38 or 52) coupled to the sealing element and the sealing element is loadable into the operating position by the pressure device. The pressure device comprises a pressure hose (38 or 52). The sealing element is permanently loadable into the operating position by the pressure device during operation. The sealing element positionally adjustably via the pressure device (this is the case since 38 can be inflated and deflated) to compensate for wear of the sealing section. The pressure device arranged at a side of the sealing element remote from the moving surface (38 or 52 is remote from the moving surface).

The sealing element is held in the operating position by friction clamping (this is the case since 54 and 30 are frictionally contacting the sealing element). The sealing element comprises a lug (lug extending from the sealing region and downward from the running surface) extending in

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a pivot direction and the lug being chargeable via the pressure device. The sealing device comprises a spacer (54 or 30) and a force is transmitted from the pressure device onto the sealing element via the spacer. The sealing device comprising a guide structured and arranged to linearly guide the spacer (the groove holding the spacer 30 or 54). The sealing device comprising a side sealing of at least one zone of under pressure or over pressure adjoining a rotating jacket of one of a suction roll, a blow roll and a moving band (the running surface is one of a suction roll, a blow roll and a moving band).

The sealing strip extends over an entire length of the roll (this is the case since the sealing device is in a paper making machine having a suction roll). The running surface is an inner wall of a rotating jacket of one of a suction roll and a blow roll. The sealing device is arranged between one of a suction box and a blow box and a rotating jacket of one of a suction roll, blow roll and a moving band (this is the case since the sealing device is arranged in a paper making machine between one of a suction box and a blow box and a rotating jacket of one of a suction roll, blow roll and a moving band).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boeck in view of Kawamura et al (US. 4,295,654).

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Boeck discloses the invention substantially as claimed above but fails to disclose the sealing device to be formed of at least one of rubber graphite, polyethylene (polyethylene comprising thermoplastic UHMW) and thermosetting plastic. Kawamura teaches to have a seal be made of a polyethylene having thermoplastic UHMW (column 3, lines 43-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sealing device of Boeck to be made from polyethylene having thermoplastic UHMW as taught by Kawamura, to provide a wear-resistant or abrasion-resistant sealing device (column 3, lines 44-45 of Kawamura).

Allowable Subject Matter

8. Claims 21, 23-24 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann, can be reached on (703) 306-4115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive,
Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
December 6, 2004

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish at the end.

Vishal Patel
Patent Examiner
Tech. Center 3600